

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

MICHAEL RAY WILSON,
Petitioner/Appellant,

v.

DAVID SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS,
Respondent/Appellee.

No. 2 CA-HC 2019-0007
Filed June 25, 2020

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Gila County
No. CR92012
The Honorable Gary V. Scales, Judge

AFFIRMED

Michael R. Wilson, Florence
In Propria Persona

MEMORANDUM DECISION

Judge Espinosa authored the decision of the Court, in which Presiding Judge Eppich and Judge Eckerstrom concurred.

ESPINOSA, Judge:

¶1 Michael Wilson appeals from the trial court's order denying his petition for writ of habeas corpus. We affirm.

¶2 Wilson was convicted nearly thirty years ago of four counts of child molestation and sentenced to consecutive prison terms including life in prison. We affirmed his convictions and sentences on appeal, and he has sought and been denied post-conviction relief numerous times. *State v. Wilson*, No. 2 CA-CR 2009-0279-PR (Ariz. App. Feb. 12, 2010) (mem. decision); *State v. Wilson*, No. 2 CA-CR 2002-0402-PR (Ariz. App. Sept. 11, 2003) (mem. decision); *State v. Wilson*, No. 2 CA-CR 00-0084-PR (Ariz. App. Sept. 14, 2000) (mem. decision); *State v. Wilson*, No. 2 CA-CR 95-0389-PR (Ariz. App. Jan. 25, 1996) (mem. decision); *State v. Wilson*, No. 2 CA-CR 95-0174-PR (Ariz. App. June 30, 1995) (mem. decision); *State v. Wilson*, No. 2 CA-CR 92-1029 (Ariz. App. Mar. 17, 1994) (mem. decision).

¶3 In June 2019, Wilson filed a petition for writ of habeas corpus describing three claims for relief. He first asserted that A.R.S. § 13-1410 and statutes relevant to his sentencing had been "recognized as unconstitutional," rendering them "void" and making his imprisonment unlawful. He also claimed the state had committed "fraud" by charging him "with violating an unconstitutional state law or statu[t]e," rendering his convictions "void." Last, he asserted the court lacked subject-matter jurisdiction over him because the purported unconstitutionality of the statutes identified in his indictment rendered it defective. The trial court denied the petition, noting that § 13-1410 "was not declared unconstitutional." This appeal followed.

¶4 On appeal, Wilson essentially repeats his claims. Generally, "[i]n Arizona, the writ of habeas corpus may be used only to review matters affecting a court's jurisdiction." *In re Oppenheimer*, 95 Ariz. 292, 297 (1964). We note, however, that Wilson's petition attacked the validity of his convictions and sentences. As such, the trial court should have treated it as

a petition for post-conviction relief. *See* Ariz. R. Crim. P. 32.3(b). Even treated as a habeas petition, however, Wilson's petition does not entitle him to relief. His sole jurisdiction claim is based on what he argues was a defective indictment. But even were Wilson correct that his indictment was flawed, a deficient charging instrument does not deprive a court of subject-matter jurisdiction. *See State v. Maldonado*, 223 Ariz. 309, ¶ 13 (2010). The trial court did not err in concluding Wilson was not entitled to habeas relief.

¶5 The trial court's order is affirmed.